United Nations S/RES/1902 (2009)

Security Council

Distr.: General
17 December 2009

Resolution 1902 (2009)

Adopted by the Security Council at its 6245th meeting, on 17 December 2009

The Security Council,

Recalling its resolutions and the statements of its President on Burundi, in particular resolutions 1719 (2006), 1791 (2007) and 1858 (2008),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Burundi,

Reaffirming the importance of the Declaration of the Summit of the Heads of State and Government of the Great Lakes Region on the Burundi Peace Process, which took place in Bujumbura on 4 December 2008 and the agreements reached between the Government of Burundi and the *Forces Nationales de Libération* (Palipehutu-FNL),

Paying tribute to the Regional Peace Initiative, the South African Facilitation, the Partnership for Peace in Burundi, the African Union and the Political Directorate for their sustained engagement in support of Burundi's peace consolidation efforts,

Welcoming the progress achieved by Burundi in key peace consolidation areas, as well as the remaining challenges, in particular the transformation of the Palipehutu-FNL into a political party (FNL), nominating FNL leaders to civil service positions, strengthening good governance, ensuring the sustainability of the disarmament, demobilization and reintegration process, and taking forward the reform of the security sector,

Commending the Government of Burundi and the political parties for the consensus achieved in nominating the members of the Independent National Electoral Commission and the consensual adoption of the revised electoral code, *welcoming* the decision of the Government to provide a legal framework for the Permanent Forum for Dialogue among parties and *recalling* the importance that the elections scheduled for 2010 are prepared and conducted in a free, fair and peaceful environment,

Emphasizing the need for the United Nations system and the international community to maintain their support for peace consolidation and long-term development in Burundi *welcoming* in this regard the holding of the Consultative

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Group meeting of donors in Paris in October 2009, and the twin mechanism put in place to coordinate international assistance for the elections,

Welcoming the continued engagement of the Peacebuilding Commission in Burundi and the recent visit of the Chairman of the Commission's Burundi configuration and *taking note* of the July 2009 biannual review of progress in the implementation of the Strategic Framework for Peacebuilding in Burundi and of the briefing of the Chairman of the Burundi configuration of the Peacebuilding Commission on 10 December 2009,

Recognizing the importance of transitional justice in promoting lasting reconciliation among all the people of Burundi and *welcoming* the process of national consultations on the establishment of transitional justice mechanisms, in accordance with the Arusha Agreements of 2000 and its resolution 1606 (2005),

Noting with concern the continuing human rights violations and restrictions on civil liberties, including restrictions on the freedom of assembly and expression of the political opposition and representatives of civil society and *expressing equal concern* for the reports of violence perpetuated by youth groups associated with some political parties,

Encouraging the Government of Burundi to continue its efforts to fight impunity, and to bring to expeditious conclusion cases of human rights violations, including killings,

Recalling its resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women and peace and security, its resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflicts and its resolutions 1612 (2005) and 1882 (2009) on children and armed conflict,

Having considered the sixth report (S/2009/611) of the Secretary-General on the United Nations Integrated Office in Burundi (BINUB),

1. *Decides* to extend until 31 December 2010 the mandate of BINUB, as set out in resolutions 1719 (2006), and renewed in its resolution 1791 (2007) and 1858 (2008);

2. *Encourages* the Government of Burundi and the FNL to make every effort to achieve the implementation of the 4 December 2008 Agreements, *calls* on all parties to desist from any action that may foster the resumption of tensions and *encourages* them to resolve outstanding issues in the spirit of reconciliation and dialogue enshrined in the Burundian Constitution;

3. *Acknowledges* the contribution brought to peace-building in Burundi by the Regional Initiative, the South African facilitation, the Political Directorate and the Partnership for Peace in Burundi until 2009 and *encourages* the Regional Initiative leaders, the African Union, and other international partners to remain actively engaged on the ground to ensure that the implementation of the 4 December 2008 Declaration is irreversible and to consolidate the peace process;

4. *Reiterates* its request for the Secretary-General, in particular through BINUB, to play a robust political role in support of all facets of the peace process, in full coordination with subregional, regional and international partners;

5. *Decides* that BINUB, working in close cooperation with the Government of Burundi, shall pay particular attention to supporting the electoral process,

democratic governance, the consolidation of peace, sustainable reintegration and gender issues;

6. *Recognizes* the primary responsibility of the Government of Burundi and its national partners to create the propitious conditions for the elections in 2010, *urges* the Government of Burundi to take the necessary measures to create an environment conducive to the holding of free, fair and peaceful elections in 2010 and *encourages* the Government of Burundi and the political parties to remain engaged in dialogue, in particular through the Permanent Forum for Dialogue;

7. *Urges* the Government of Burundi and the political parties to continue their efforts to preserve the independence and credibility of the Independent National Electoral Commission;

8. *Supports* the launch in September 2009 by President Nkurunziza of a nationwide civic education campaign for the elections and *encourages* the pursuit of civic education activities throughout the electoral process;

9. *Welcomes* the United Nations readiness to assist in the electoral process and *requests* BINUB to be prepared to provide, within its existing resources and if required, logistical support to the Independent National Electoral Commission at crucial phases of the electoral process;

10. *Reiterates* its request to the Executive Representative of the Secretary-General to facilitate and promote dialogue among national and international stakeholders, in particular in the context of the upcoming elections, while continuing to support their efforts to sustain peace and stability;

11. *Encourages* the Government of Burundi, the Peacebuilding Commission, and its national and international partners to honour the commitments they have made under the Strategic Framework for Peacebuilding and *requests* the Peacebuilding Commission, with support from BINUB, to continue to assist the Government of Burundi in laying the foundations for sustainable peace and security, reintegration and long-term development in Burundi and in mobilizing the resources needed to achieve these aims, including for the coming elections;

12. *Encourages* the Government of Burundi to pursue its efforts regarding peace consolidation challenges, in particular democratic governance, security reforms, land tenure, justice and the protection of human rights, with a special focus on women's and children's rights;

13. *Encourages* the Government of Burundi with the support of BINUB and other international partners to step up its efforts to pursue the structural reforms aimed at improving political, economic and administrative governance, with continued focus on the fight against corruption, and *encourages* in particular the implementation of the comprehensive Public Administration Reform Programme (PARP);

14. *Underscores* the importance of security sector reform and *urges* all international partners, together with BINUB, to support the Government of Burundi's efforts to professionalize and enhance the capacity of the national security services and the police, in particular in the fields of training on human rights and sexual and gender-based violence;

15. *Encourages* the Government of Burundi, in collaboration with all international partners, including BINUB, UNDP and the World Bank, to complete the disarmament and demobilization process and the strategy for the sustainable

socio-economic reintegration of demobilized soldiers, former combatants, returning refugees, the displaced and other vulnerable groups affected by the conflict, particularly women and children, and *urges* international partners, particularly the Peacebuilding Commission, to stand ready to support this;

16. *Welcomes* the progress by the Tripartite Commission comprising Burundi, UNHCR and Tanzania towards achieving dignified durable solutions for refugees living in Tanzania and encourages a sustained effort with regards to the residual Burundi refugee caseload;

17. *Encourages* the Government of Burundi, with the support of BINUB and other partners, to continue the national consultations on transitional justice with a view to their timely completion and the publication of the final report, and to ensure that the results of these consultations form the basis for the establishment of transitional justice mechanisms;

18. *Calls upon* the Government of Burundi to pursue its efforts to broaden the respect and protection of human rights, including through the establishment of a credible National Independent Human Rights Commission, in conformity with the Paris Principles outlined in General Assembly resolution 48/134 and further *encourages* it to end impunity and to take the necessary measures to ensure its citizens fully enjoy their civil, political, social, economic and cultural rights without fear or intimidation, as enshrined in the Constitution of Burundi and provided for by international human rights instruments, including those ratified by Burundi;

19. *Expresses* in particular its concern at the continuing sexual and gender-based violence, and *urges* the Government to continue to take the necessary steps to prevent further violations and to ensure that those responsible are brought to justice;

20. *Welcomes* the release of all children by armed groups, *emphasizes* the need for their sustainable reintegration and reinsertion, *welcomes* in this regard the program launched by the World Bank in this field and *urges* the Government, with the support of BINUB, UNICEF and other members of the Country Task Force on the Monitoring and Reporting of Grave Child Rights Violations, to fight impunity for violators of children's rights;

21. *Urges* BINUB to strengthen current provisions for cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), within the limits of their respective capacities and current mandate, in cooperation with the Governments of the Burundi and the Democratic Republic of the Congo as appropriate;

22. *Requests* the Secretary-General to provide to the Council a briefing on the electoral process in May 2010 and a full report on the implementation of the mandate of BINUB in November 2010 and *requests* the Secretary-General to incorporate in this report a detailed review of the extent to which the benchmarks set in the 14 August 2006 Addendum (S/2006/429/Add.1) to his report of 21 June 2006 (S/2006/429) have been met, and, following consultations with the Government of the Burundi, to provide recommendations on what changes need to be made to the direction and composition of the UN presence in Burundi, including recommendations on a revised time frame for the transition to a more development-focused presence;

23. *Decides* to remain actively seized of the matter.

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United Nations S/RES/1903 (2009)

Security Council

Distr.: General
17 December 2009

Resolution 1903 (2009)

Adopted by the Security Council at its 6246th meeting, on 17 December 2009

The Security Council,

Recalling its previous resolutions and statements by its President on the situation in Liberia and West Africa,

Welcoming the sustained progress made by the Government of Liberia since January 2006, in rebuilding Liberia for the benefit of all Liberians, with the support of the international community,

Recalling its decision not to renew the measures in paragraph 10 of resolution 1521 (2003) regarding round log and timber products originating in Liberia, and stressing that Liberia's progress in the timber sector must continue with the effective implementation and enforcement of the National Forestry Reform Law signed into law on 5 October 2006, and other new legislation related to revenue transparency (the Liberia Extractive Industries Transparency Initiative Act) and resolution of land and tenure rights (Community Rights Law with respect to Forest Lands and Lands Commission Act),

Recalling its decision to terminate the measures in paragraph 6 of resolution 1521 (2003) regarding diamonds, and welcoming the Government of Liberia's participation and leadership at the regional and international levels in the Kimberley Process, noting the findings of the Panel of Experts re-established pursuant to resolution 1854 (2008) concerning diamonds, in particular those findings regarding domestic implementation of the Kimberley Process Certification Scheme, noting Liberia's minimum implementation of the necessary internal controls and other requirements of the Kimberley Process Certification Scheme, and stressing the need for the Government of Liberia to redouble its commitment and efforts to ensure the effectiveness of these controls,

Recalling the statement of its President on 25 June 2007 (S/PRST/2007/22), recognizing the role of voluntary initiatives aimed at improving revenue transparency such as the Extractive Industries Transparency Initiative (EITI) and noting General Assembly resolution 62/274 on strengthening transparency in industries, recognizing Liberia's achievement of EITI Compliant status, supporting Liberia's decision to take part in other extractive industry transparency initiatives and encouraging Liberia's continued progress in improving revenue transparency,

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Stressing the continuing importance of the United Nations Mission in Liberia (UNMIL) in improving security throughout Liberia and helping the Government establish its authority throughout the country, particularly in the diamond, timber, and other natural resources-producing regions, and border areas,

Taking note of the report of the United Nations Panel of Experts on Liberia dated 11 December 2009 (S/2009/640), including on the issues of diamonds, timber, targeted sanctions, and arms and security,

Having reviewed the measures imposed by paragraphs 2 and 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004) and the progress towards meeting the conditions set out by paragraph 5 of resolution 1521 (2003), and noting the Government of Liberia's cooperation with UNMIL in weapons marking, and concluding that insufficient progress has been made towards that end,

Underlining its determination to support the Government of Liberia in its efforts to meet the conditions of resolution 1521 (2003), and encouraging all stakeholders, including donors, to support the Government of Liberia in its efforts,

Welcoming the announcement from the Department of Peacekeeping Operations of provisional guidelines on cooperation and information sharing between the United Nations peacekeeping missions and the Security Council's Sanctions Committees' expert panels,

Determining that, despite significant progress having been made in Liberia, the situation there continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a period of 12 months from the date of adoption of this resolution;

2. *Recalls* that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force, *notes with serious concern* the findings of the Panel of Experts on the lack of progress with regards to the implementation of the financial measures imposed by paragraph 1 of resolution 1532 (2004), and *demands* that the Government of Liberia make all necessary efforts to fulfil its obligations;

3. *Decides* that the measures on arms, previously imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and by paragraph 1 (b) of resolution 1731 (2006), are replaced by paragraph 4 below, and shall not apply to the supply, sale or transfer of arms and related materiel and the provision of any assistance, advice or training, related to military activities, to the Government of Liberia for the period set forth in paragraph 4 below;

4. *Decides* that all States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel and the provision of any assistance, advice or training related to military activities, including financing and financial assistance, to all non-governmental entities and individuals operating in the territory of Liberia for a period of 12 months from the date of adoption of this resolution;

5. *Decides* that the measures in paragraph 4 above shall not apply to:

(a) Supplies of arms and related materiel as well as technical training and assistance intended solely for support of or use by the United Nations Mission in Liberia (UNMIL);

(b) Protective clothing, including flak jackets and military helmets, temporarily exported to Liberia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

(c) Other supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as notified in advance to the Committee established by paragraph 21 of resolution 1521 (2003) (hereinafter "the Committee") in accordance with paragraph 6 below;

6. *Decides*, for the period time set forth in paragraph 4 above, that all States shall notify in advance to the Committee any shipment of arms and related materiel to the Government of Liberia, or any provision of assistance, advice or training related to military activities for the Government of Liberia, except those referred to in subparagraphs (a) and (b) of paragraph 5 above, and *stresses* the importance that such notifications contain all relevant information, including, where applicable, the type and quantity of weapons and ammunitions delivered, the end-user, the proposed date of delivery and the itinerary of shipments; and *reiterates* that the Government of Liberia shall subsequently mark the weapons and ammunition, maintain a registry of them, and formally notify the Committee that these steps have been taken;

7. *Reconfirms* its intention to review the measures imposed by paragraph 1 of resolution 1532 (2004) at least once a year, and directs the Committee, in coordination with the relevant designating States and with the assistance of the Panel of Experts, to update as necessary the publicly available reasons for listing for entries on the travel ban and assets freeze lists as well as the Committee's guidelines;

8. *Decides* to review any of the above measures at the request of the Government of Liberia, once the Government reports to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures have been met, and provides the Council with information to justify its assessment;

9. *Decides* to extend the mandate of the Panel of Experts appointed pursuant to paragraph 4 of resolution 1854 (2008) for a further period until 20 December 2010 to undertake the following tasks:

(a) To conduct two follow-up assessment missions to Liberia and neighbouring States, in order to investigate and compile a midterm and a final report on the implementation, and any violations, of the measures imposed by paragraphs 4 and 6 above and resolution 1521 (2003), as amended by paragraphs 3, and 4 above, including any information relevant to the designation by the Committee of the individuals described in paragraph 4 (a) of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004), and including the various sources of financing, such as from natural resources, for the illicit trade of arms;

(b) To assess the impact of and effectiveness of the measures imposed by paragraph 1 of resolution 1532 (2004), including particularly with respect to the assets of former President Charles Taylor;

(c) To identify and make recommendations regarding areas where the capacity of Liberia and the States in the region can be strengthened to facilitate the implementation of the measures imposed by paragraph 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004);

(d) Within the context of Liberia's evolving legal framework, assess the extent to which forestry and other natural resources are contributing to peace, security and development rather than to instability and to what extent relevant legislation (National Forestry Reform Law, Lands Commission Act, Community Rights Law with respect to Forest Land, and Liberia Extract Industries Transparency Initiative Act) is contributing to this transition;

(e) To assess the Government of Liberia's compliance with the Kimberley Process Certification Scheme, and to coordinate with the Kimberley Process in assessing compliance;

(f) To provide a midterm report to the Council through the Committee by 1 June 2010 and a final report to the Council through the Committee by 20 December 2010 on all the issues listed in this paragraph, and to provide informal updates to the Committee as appropriate before those dates, especially on progress in the timber sector since the lifting of paragraph 10 of resolution 1521 (2003) in June 2006, and in the diamond sector since the lifting of paragraph 6 of resolution 1521 (2003) in April 2007;

(g) To cooperate actively with other relevant groups of experts, in particular that on Côte d'Ivoire re-established by paragraph 10 of resolution 1893 (2009), and with the Kimberley Process Certification Scheme;

(h) To assist the Committee in updating the publicly available reasons for listing for entries on the travel ban and assets freeze lists;

(i) To assess the impact of paragraphs 3 and 4 above, specifically the effect on the stability and security of Liberia;

10. *Requests* the Secretary-General to reappoint the Panel of Experts and to make the necessary financial and security arrangements to support the work of the Panel;

11. *Calls upon* all States and the Government of Liberia to cooperate fully with the Panel of Experts in all the aspects of its mandate;

12. *Reiterates* the importance of UNMIL's continuing assistance to the Government of Liberia, the Committee, and the Panel of Experts, within its capabilities and areas of deployment, and without prejudice to its mandate, continue to carry out its tasks set forth in previous resolutions, including resolution 1683 (2006);

13. *Urges* the Government of Liberia to implement the recommendations of the 2009 Kimberley Process review team to strengthen internal controls over diamond mining and exports;

14. *Encourages* the Kimberley Process to continue to cooperate with the Panel of Experts and to report on developments regarding Liberia's implementation of the Kimberley Process Certification Scheme;

15. *Decides* to remain actively seized of the matter.